

DOCKET NO. 2000.10.001.WT0
U.S. SERIAL NO. 09/653,764
PATENT

REMARKS

Claims 1-24 were originally filed in the present application.

Claims 1-24 are pending in the present application.

Claims 1-24 have been rejected.

No claims have been amended.

Reconsideration of Claims 1-24 is respectfully requested.

In Section 9 of the December 7, 2004 Office Action, the Examiner objected to the drawings and required submission of new drawings. The Applicant is submitting formal drawings with this Reply.

In Sections 10 and 11 of the March 24, 2004 Office Action, the Examiner rejected Claims 1, 3-9, 11-17, and 19-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,587,684 to *Hsu et al.* (hereafter, "*Hsu*") in view of "TIA/EIA/IS-683-A: Over-the-Air Service Provisioning of Mobile Stations in Spread Spectrum Systems (IS683A), May 1998" (hereafter, "the IS683A reference"). In Section 12 of the March 24, 2004 Office Action, the Examiner rejected Claims 2, 10 and 18 under 35 U.S.C. §103(a) as being unpatentable over the *Hsu* reference in view of the IS683A reference and further in view of U.S. Patent No. 6,609,148 to *Salo et al.* (hereafter, "*Salo*"). The Applicant respectfully traverses the rejection of Claims 1-24.

The Applicant directs the Examiner's attention to independent Claim 1, which contains following unique and novel limitations:

LASAMS0100090

-9-

BEST AVAILABLE COPY

DOCKET NO. 2000.10.001.WT0
U.S. SERIAL NO. 09/653,764
PATENT

1. A mobile station capable of communicating with a plurality of base stations in a wireless network and receiving at least one of a software program, a software correction patch and provisioning data from a server associated with said wireless network, said mobile station comprising:

an RF transceiver capable of receiving wireless messages from said plurality of base stations and converting said received wireless messages to a plurality of Internet protocol (IP) packets;

an encryption controller capable of converting said IP packets from an encrypted format to a decrypted format; and

a data burst message protocol controller capable of converting said decrypted IP packets to at least one data burst message.

Independent Claim 9 recites a system for secure over-the-air administration of a wireless mobile station of the type claimed in Claim 1:

9. A system for secure over-the-air administration of a wireless mobile station via a base station in a wireless network, said system capable of transmitting to said wireless mobile station at least one of a software program, a software correction patch and provisioning data from a server associated with said wireless network, said system comprising:

a data burst message protocol controller capable of receiving and converting said at least one of a software program, a software correction patch and provisioning data into at least one data burst message;

an encryption controller capable of converting said at least one data burst message into a plurality of encrypted IP packets; and

an RF transceiver capable of converting said encrypted IP packets into at least one wireless message and transmitting said at least one wireless message to said wireless mobile station.

The Applicant respectfully asserts that neither a system nor a mobile station that converts a data burst message to/from a plurality of IP packets is disclosed, suggested, or even hinted at in *Hsu* and the IS683A reference.

Implementing the IS683A protocol in an existing wireless network presents problems identified by both the *Hsu* reference and the present application. These problems include changes to

DOCKET NO. 2000.10.001.WT0
U.S. SERIAL NO. 09/653,764
PATENT

wireless system infrastructure: equipment and software. The solution to these problems presented in the *Hsu* reference, however, is different than that recited in the claims of the present application. The *Hsu* solution is to abandon the data burst messages of the IS683A protocol altogether and use packet data messages instead, in order to establish secure TCP/IP communication between a wireless station and an Internet-based provisioning server. Conventional TCP/IP packets containing provisioning data or upgrade software may then be exchanged between the mobile station and the provisioning server.

In sharp contrast, the mobile station and system recited in Claims 1 and 9 provide secure communication of data burst messages by embedding them within a plurality of encrypted IP packets for transmission between a mobile station and a server. Where the teaching of the *Hsu* reference is to eschew data burst messages altogether in favor of conventional IP packets, independent Claims 1 and 9 recite converting data burst messages into a plurality of IP packets. As such, independent Claims 1 and 9 present patentable subject matter over the *Hsu* and IS683A references. Additionally, dependent Claims 2-8 and 10-16, which depend from Claims 1 and 9, respectively, contain all of the unique and novel limitations recited in their base claims. Claims 2-8 and 10-16 are therefore patentable over the *Hsu*, IS683A and *Salo* references.

Independent Claim 17 contains limitations that are analogous to the unique and non-obvious limitations recited in Claim 9. Therefore, independent Claim 17 presents patentable subject matter over the *Hsu* and IS683A references. Furthermore, dependent Claims 18-24, which depend from

DOCKET NO. 2000.10.001.WT0
U.S. SERIAL NO. 09/653,764
PATENT

Claim 17, contain all of the unique and novel limitations recited in independent Claim 17. Claims 18-24 are therefore patentable over the *Hsu*, IS683A and *Salo* references.

L:\SAMS01\00090

-12-

BEST AVAILABLE COPY

DOCKET NO. 2000.10.001.WT0
U.S. SERIAL NO. 09/653,764
PATENT

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

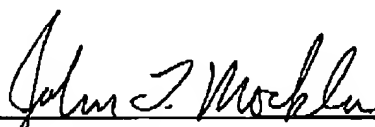
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 4 Feb 2005

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *jmockler@davismunck.com*


John T. Mockler
Registration No. 39,775